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ACTION SCT-00

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	CIAE-00	COME-00	CTME-00	INL-00	DODE-00	DOEE-00	DOTE-00
	SRPP-00	DS-00	EAP-00	EB-00	EUR-00	OIGO-00	FAAE-00
	FBIE-00	UTED-00	VC-00	H-01	TEDE-00	INR-00	INSE-00
	IO-00	LAB-01	L-00	VCE-00	M-00	AC-00	DCP-01
	NRCE-00	NSAE-00	NSCE-00	OCS-01	OMB-01	OPIC-01	PA-00
	TFBI-00	PM-00	PRS-00	ACE-00	P-00	SP-00	IRM-00
	SSO-00	SS-00	TEST-00	TRSE-00	USIE-00	USSS-00	ASDS-00
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DEPT FOR EUR/AGS, EUR/PPD, AND S/CT

E.O. 12958: N/A  
 TAGS: PGOV, PREL, PTER, GM  
 SUBJECT: HAMBURG TRIAL OF 9/11 SUSPECT MZOU DI

1. (U) Message sensitive but unclassified. Please treat accordingly. Not for Internet distribution.

2. (SBU) Summary. The trial of 9/11 suspect Abdelghani Mzoudi is currently underway at the Oberlandesgericht in Hamburg. Recent trial highlights have included the testimony of Mounir El Motassadeq (sentenced to 15 years in the first Hamburg terror-trial), the dismissal of the court interpreter for contacts with associates of the local Al-Qaida cell, and the appearance of an FBI witness. Observers believe the evidence against Mzoudi to be more circumstantial in nature than that provided against Motassadeq, which relied in part on documented evidence of financial assistance provided to cell members. Witnesses have to date not established direct links between Mzoudi and any activities involving the planning or organization of the 9/11 attacks. Mzoudi faces the same 15-year sentence as Motassadeq if convicted (maximum under German law). Witnesses are scheduled until November 6; the case is anticipated to run through late November or early December. Local press and public interest in the trial is at a much lower level than for the Motassadeq trial. End Summary.

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## ----- Motassadeq, Nickels Testify -----

3. (SBU) The September 23 testimony at Mzoudi,s trial of fellow Moroccan national Mounir El Motassadeq did not shed any new light on the 9/11 plot or the possible complicity of Mzoudi. Motassadeq read a defiant 15-minute statement in which he proclaimed his innocence, stated that the 9/11 attacks had been planned in Afghanistan by Al-Qaida, and argued that no financial or organizational planning had occurred in Hamburg. He cited both from a U.S. Congressional report and an interview with the President of the German Verfassungsschutz (Fromm) to buttress his case. He then refused to answer any questions (he can invoke the German 5th Amendment equivalent as his case is under appeal). Motassadeq has noticeably grown a full beard while in jail.

4. (SBU) The court on September 24 called on Kai Lohse, a member of the Motassadeq prosecution team, to testify about Motassadeq's testimony in his trial. In this testimony, Motassadeq stated that Mzoudi called him to tell him he was going to Afghanistan and then they saw each other in the training camp. Lohse also painstakingly reconstructed Motassadeq,s activities in Germany from 1993 (his arrival as a student) to the period surrounding 9/11.

5. (SBU) A previous witness at the Motassadeq trial, Shahid Nickels. Nickels essentially repeated his testimony, but it is important because it establishes: (1) the members of the group; (2) the group's anti-American and anti-Semitic views; and (3) the group's interest in fighting jihad against these enemies. Nickels could not say much about Mzoudi specifically, but did place him in the group and stated he must have known what was going on.

## ----- FBI Agent Testifies -----

6. (SBU) On October 1, 2003, FBI Special Agent Matt Walsh testified at the trial (he previously testified at the Motassadeq trial as well). Special Agent Walsh, appearing in response to a letter rogatory submitted by the Hamburg court, provided a summary of the US investigation into the September 11, 2001 terrorist attacks. He was authorized to testify only about the 9/11 investigation, summarized in a 9-page written report; he was not authorized to testify about alleged

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interviews with Ramzi Binalshibh or Khalid Sheikh Mohammed. Nor was he authorized to testify about the pending Moussaoui litigation. Walsh was accompanied by a DOJ prosecutor, who assisted in determining whether certain questions fell outside the scope of his authority to testify (set forth in an "Aussagegenehmigung").

7. (SBU) In his testimony, Special Agent Walsh provided information on the identity of the 19 hijackers, the flight training of the four pilots, the various flights that were hijacked, the details of the four hijackings, and the scope of the damage caused by the 9/11 attacks. Walsh also testified regarding the financial transactions that financed the attacks, including money transfers from Germany to the United States.

8. (SBU) Defense counsel, who had indicated in their opening statement that they intended to be very critical of the US investigation and demand explanations for apparent inconsistencies, attempted to obtain the names of agents

responsible for various elements of the investigation. Based on his Aussagegenehmigung, Special Agent Walsh declined to answer those questions. Walsh also declined to comment on the press reports that supported various conspiracy theories. For example, Walsh refused to comment on allegations that persons on the planes were still alive. In response to these questions, Walsh stated only that the US investigation had clearly established the identity of the hijackers and had established that they were all dead. Ultimately, the defense was forced to abandon this line of questioning.

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Court Translator Fired  
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9. (SBU) The lead judge on September 21 dismissed the court interpreter, Amin Janzir, for alleged contacts with associates of Mohammed Atta and other Hamburg-based Al-Qaida suspects. There has been no indication that Janzir incorrectly translated testimony or manipulated the course of questioning. The defense has stated it will use the dismissal of the interpreter as a means to appeal and move for review by a higher court in the event of a conviction (observers to not believe the dismissal will be viewed as material to the case.)

10. (SBU) The local press has stressed the difficulty faced by the court in the Mzoudi trial in differentiating between normal interaction between fellow students in a foreign

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culture and participation in the 9/11 conspiracy. However, the testimony of witnesses has placed Mzoudi directly in the group surrounding the 9/11 hijackers and at an Al-Qaida training camp in Afghanistan . The judges will have to decide whether this proves beyond a reasonable doubt that Mzoudi must have known about the 9/11 plans, and as member of a terrorist organization, participated in preparing the 9/11 attacks.

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Comment  
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11. (SBU) Unlike the front page coverage provided the Motassadeq trial, local media coverage (and public discussion) of this trial has been rather subdued. This results both from the second-act nature of this trial and a more general aversion among Hamburgers toward discussing once again this city,s implied complicity in the events of 9/11.

12. (U) This message has been coordinated with Embassy Berlin.

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COATS

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